

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEWAL SHRESTHA,
Plaintiff,

v.

HERTZ CORPORATION, et al.,
Defendants.

Case No. 15-cv-02998-JCS

**ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED
FOR LACK OF FEDERAL
JURISDICTION AND MODIFYING
SCHEDULE FOR BRIEFING CAFA
JURISDICTION**

At the October 16, 2015 hearing on Defendants' motions to compel arbitration, the Court raised the question of whether this action satisfies the \$5 million in controversy requirement under the Class Action Fairness Act ("CAFA"). The Court set a schedule for addressing this question after it issued its ruling on the pending motions.¹ See Docket No. 40. On further consideration, the Court concludes that the question of federal jurisdiction must be resolved before it can rule on the pending motions. Accordingly, the Court's oral ruling and minute order is modified as follows: No later than Friday, October 23, 2015, Hertz shall file a declaration providing an estimate of the number of its rental cars that have crossed the Golden Gate Bridge since the date when all cash lanes were eliminated, in the spring of 2013. Plaintiff, in turn, shall file a brief, not to exceed 10 (ten) pages, addressing the question of whether the amount-in-controversy requirement under CAFA is met in this case, not later than October 30, 2015. After the Court has

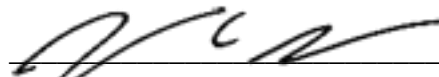
¹ In particular, the Court set the following schedule:

Within sixty (60) days of the decision on the Motion, Plaintiff shall file a response to an Order to Show Cause why this case should not be dismissed for lack of jurisdiction on CAFA. Any party may file a response, within sixty (60) days to the Order to Show Cause.

determined whether there has been a sufficient showing to establish the existence of federal jurisdiction, it will rule on the pending motions.

IT IS SO ORDERED.

Dated: October 16, 2015



JOSEPH C. SPERO
Chief Magistrate Judge

United States District Court
Northern District of California